

Regular Meeting

Agenda Item #	1
Meeting Date	July 28, 2014
Prepared By	Daryl Braithwaite Public Works Director
Approved By	Brian Kenner City Manager

Discussion Item	Second Reading Ordinance Amending the Takoma Park Code to Add Environmentally Preferable Purchasing
Background	<p>The City Code, Chapter 7.08.140 provides for a general preference for the purchase of recycled products and allows for a price preference of up to 15%. The Chapter requires that all City stationary and envelopes include recycled content, as well as the City Newsletter and any paper printed by outside printing contractors for the City.</p> <p>The Committee on the Environment (COE) recommends that the City expand the current preference to encompass a broader range of items and services and add a preference for locally available products and services to the criteria. The COE evaluated model language provided by the University of Maryland Sustainable Maryland Certified program and the City of Hyattsville. The COE developed a draft ordinance which was reviewed and edited by the City Attorney's Office.</p> <p>The Council discussed the ordinance at its work session on June 2. After the work session, the draft ordinance was revised by Cindy Dyballa, Co-Chair of the Committee on the Environment, to incorporate the changes desired by the Council. The City Attorney has reviewed the revised ordinance.</p> <p>First reading of the ordinance was held on July 14. At that time, the Council amended the ordinance at Section 7.08.145.E.5 to refer to the federal (U.S. EPA) standards. Subsection E.6 was added to reference current examples of industry standards that may be followed.</p>
Policy	The City Council authorizes any changes to the City Code.
Fiscal Impact	The current draft ordinance includes a price preference of up to 15%. The cost for purchasing environmentally preferable and locally sourced goods and services can be anticipated to increase costs; however, impact will be dependent upon the quantity of items and services purchased.
Attachments	Second Reading Ordinance
Recommendation	Adopt the ordinance.
Special Consideration	

1 Introduced by: Councilmember Male

First Reading: July 14, 2014

2 Second Reading:

3 Effective Date: September 1, 2014

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5 **CITY OF TAKOMA PARK, MARYLAND**

6
7 **ORDINANCE 2014-41**

8 **Amending the Takoma Park Code, Title 7, Chapter 7.08, Source Selection and Contract**
9 **Formation, to add provisions on Environmentally Preferable Purchasing**

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11 WHEREAS, the Council is committed to ensuring that the City of Takoma Park is fiscally,
12 environmentally, and economically sustainable; and

13
14 WHEREAS, the City's efforts toward environmental sustainability will be enhanced by
15 including environmental effects and energy utilization as considerations in its
16 purchasing and procurement decisions; and

17
18 WHEREAS, the Takoma Park Code already provides for a general preference for the purchase
19 of recycled products and allows for a price preference of up to 15% for such
20 purchases; and

21
22 WHEREAS, the Council desires to expand the preference for the purchase and use of recycled
23 products to incorporate a broader range of environmental considerations,
24 including a preference for locally supplied products.

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26 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA
27 PARK MARYLAND THAT:

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29 SECTION 1. Takoma Park Code, Title 7, Purchasing and Taxation, Division 1, Purchasing,
30 Chapter 7.08 Source Selection and Contract Formation is amended by adding a
31 new section as follows:

32
33 Section 7.08.145 Environmentally preferable purchasing.

34
35 A. General Preferences. Environmental and energy considerations shall become part of the
36 City's normal purchasing and procurement decisions, with the goals of justifying environmental
37 and energy costs of City decisions and choosing minimal-effect options, consistent with such
38 traditional factors as safety, price, performance, and availability. The City also prefers to do
39 business with vendors and contractors that are locally owned, use and sell environmentally
40 preferable products or services, produce minimal waste, and use recycled products and
41 environmentally preferable purchasing practices, as services provided by local suppliers reduce
42 environmental impact due to transportation and keep municipal funds in the community. To the
43 greatest extent practicable, the City shall purchase environmentally and energy preferable
44 products and services that:

- 45
46 1. Use recycled materials.

2. Generate minimal waste in manufacturing or use.
3. Are durable, longer lasting, reusable, refillable or compostable.
4. Use minimal energy and water.
5. Involve minimal use of toxic and hazardous materials.
6. Minimize production of greenhouse gases.
7. Minimize production of environmental pollutants including ozone precursors.
8. Are locally supplied or produced.

B. Price Preference. To the greatest extent practicable, the City shall purchase environmentally preferable and locally supplied products and services, and may provide for a price preference for such products and services not to exceed 15%.

C. Locality Preference. The City may give preference in purchasing products and services to locally supplied products, goods, and services, Montgomery County green certified businesses, and State of Maryland certified small businesses.

D. Purchase of Certain Specified Products and Services. City procurement actions shall comply with the following provisions:

1. Energy and water savings. Where applicable, energy-efficient equipment shall be purchased with the most up-to-date energy efficiency functions. This includes, but is not limited to, high efficiency space heating systems and high efficiency space cooling equipment.
2. Energy efficiency certifications. All products purchased by the City for which United States Environmental Protection Agency (U.S. EPA) Energy Star or WaterSense certification is available shall meet that certification, when practicable. When Energy Star or WaterSense labels are not available, energy-efficient products that are in the upper 25% of energy efficiency as designated by the Federal Energy Management Program are preferred.
3. Recycled content products. All products for which the U.S. EPA has established minimum recycled content standard guidelines, such as those for printing paper, office paper, janitorial paper, construction, landscaping, parks and recreation, transportation, vehicles, miscellaneous, and non-paper office products, shall contain the highest post-consumer content practicable, but no less than the minimum recycled content standards established by U.S. EPA Guidelines. These standards are described at www.epa.gov/cpg.

1 4. Remanufactured products. The City shall purchase remanufactured products such
2 as laser toner cartridges, tires, furniture, equipment, and automotive parts whenever
3 practicable, but without reducing safety, quality, or effectiveness.
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5 5. Ozone depleting compounds. The use of refrigerants, solvents and other products
6 shown to deplete stratospheric ozone shall be phased out and new purchases shall not
7 contain them.
8

9 6. Pollutants. All detergents shall be readily biodegradable and, where practicable,
10 shall not contain phosphates.
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12 E. Product Specifications. All departments of the City shall review and revise product
13 specifications so as to conform to the following guidelines, to the extent practicable:
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15 1. Specifications shall not require the use of products made from virgin materials.
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17 2. Specifications shall not exclude the use of recycled or remanufactured products.
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19 3. A minimum percentage of recovered material content shall be incorporated into
20 each specification when it is known that there are sufficient and readily available supplies
21 of a particular recycled product.
22

23 4. Cleaning or disinfecting products (i.e. for janitorial or automotive use) shall not
24 contain ingredients that are carcinogens, mutagens, or teratogens. These include
25 chemicals listed by the U.S. EPA or the National Institute for Occupational Safety and
26 Health on the Toxics Release Inventory.
27

28 5. Wherever practicable, products and materials shall use and meet the following
29 federal standards where applicable::
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- 31 • U.S. EPA Energy Star (energy efficient products)
- 32 • U.S. EPA WaterSense (water efficient products)
- 33 • U.S. EPA Guidelines (various other products at www.epa.gov/cpg)
- 34 • U.S. Green Building Council LEED standards
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36 6. At the discretion of the City Manager, industry standards for environmentally
37 preferable products, including construction, landscaping, paper, park and recreation,
38 transportation, vehicular, nonpaper office and other products should be followed. Current
39 examples of these are:
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- 41 •
- 42 • Responsible Purchasing Network (various products)
- 43 • EcoLogo (various products) Green Seal (various products)
- 44 • Greenguard Environmental Institute (various products)
- 45 • CFPA (chlorine free paper)
- 46 • EPEAT (electronics)

- Forest Stewardship Council (paper products)
- Resilient Floor Covering Institute (flooring products)
- Carpet & Rug Institute (carpets)

F. Practicability of Procurement. In an assessment of the practicability of the procurement or purchase of specific environmentally preferable or locally available products, the City shall consider, among other relevant factors, product availability, product longevity, and product suitability for its intended use, including whether the product meets established performance standards, any adverse impact of the product on the health and safety of employees and residents, and cost. Nothing contained in this section shall require a City department, purchaser, or contractor to procure or purchase products that do not perform adequately for their intended use, exclude adequate competition, or cost more than 15% above the standard cost for the product.

SECTION 2. Takoma Park Code, Title 7, Purchasing and Taxation, Division 1, Purchasing, Chapter 7.04 General Provisions, Section 7.04.040, Definitions, is amended to add new definitions as follows:

“Environmentally preferable products” means products that have a lesser or reduced adverse effect on human health and the environment when compared with competing products that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product.

“Locally supplied” means products and goods made or supplied, or services provided, from an independently owned and operated individual, business, or organization located within 150 miles of the City.

“Price preference” means a percentage of increase in price that the City may pay to obtain a designated recycled or environmentally preferable product or service.

SECTION 3. This Ordinance shall become effective on September 1, 2014.

ADOPTED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THIS ____ DAY OF _____, 2014 BY ROLL-CALL VOTE AS FOLLOWS:

AYE:

NAY:

ABSTAIN:

ABSENT: